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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/433,135	11/03/1999	JOHN G. SAVAGE	8243.00	2108

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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/433,135	Applicant(s) SAVAGE ET AL.	
	Examiner Dennis Ruhl	Art Unit 3629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): the objection and rejection concerning the new matter.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment A.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 43-52.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See attached PTO-892


DENNIS RUHL
PRIMARY EXAMINER

Attachment A

With respect to the argument about the article claims 43-45,48,49, applicant has taken the examiner's comments from the 103 rejection of method claims 50,52 and applied them to the 102 rejection in a misleading fashion. In the article claims all that is recited is a means to create a prompt, where the prompt itself is taken as non-functional descriptive material and does not serve to further distinguish the invention in terms of structure. The particular prompt that the ATM states and the user speaks is not given patentable weight in the article claims, only the method claims, because only structure is looked at in article claims, not the intended manner of use. The argument is non-persuasive. For claims 46,47, the same thinking applies in that all that is claimed is a means to create a prompt, with the prompt itself being intended manner of use.

For claims 50,52, the examiner stands by the 103 rejection. For the purpose of showing that what the examiner stated was obvious and well known, the examiner has cited some US patents that show it is known in verbal prompts to do what is claimed. The patents disclose situations such as "for one speak or press one". This is a verbal prompt that uses the same word to be spoken by the user, just like the assertion of the examiner that it would have been obvious to have the ATM say, "for withdrawal say withdrawal". The argument is found non-persuasive and the cited art is only cited as evidence that what the examiner stated was obvious, is in fact obvious.

With respect to the argument about ATM machines asking, "would you like another transaction" (a question with a positive or negative response), the examiner

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takes the position that anyone who has ever used an ATM machine in their life knows this is old and well known in the art. The instant examiner has personally used ATM machines for many years and this question is always asked by the machine. The argument is non-persuasive.

All arguments are found to be non-persuasive.

A handwritten signature in black ink, appearing to read 'D. Ruhl', with a stylized, flowing script.

DENNIS RUHL
PRIMARY EXAMINER